

Listing of Claims

This listing of claims will replace all prior versions and listing of claims in the application:

Claims 1-14. (canceled)

Claim 15. (new) A compact back maintenance device comprising:

- (a) a brush head, said brush head having a first side, a second side, and a storage cavity between said first side and said second side;
- (b) a first abrasive element composed of a plurality of bristles attached along and perpendicular to said first side;
- (c) a second abrasive element composed of a luffa attached to said second side;
- (d) a variable length handle composed of a coiled member slidably disposed and telescoping, said variable length handle having a first end and a second end, said first end secured to said brush head, said variable length handle both extendible from and retractable into said storage cavity, said variable length handle forming a rigid structure when extended, said variable length handle no longer than said brush head when retracted; and
- (e) a grip attached to said second end of said handle.

Arguments Against Rejection

Claims 1-14 are canceled without prejudice. New claim 15 includes elements from original claims 9, 11, and 12 except luffa is identified as second abrasive element rather than sponge from claim 12. Amendments are supported by the original filed specification and claims.

CLAIM REJECTIONS – 35 U.S.C. § 103

The rejections are traversed.

Fehrenbach describes a massage and shampoo device having a soft rubber disc of sponge-like material or tufts attached along a first surface of a disk and projections along a second surface. Holes are provided through the disk so as to allow water flowing through a cavity along the center of the handle to project outward between or through sponge, tufts, and projections.

In new claim 15, the handle is a variable length member composed of a coiled element slidably disposed and telescoping. A coiled handle is neither described nor suggested in Storrs, Markle, Frantzekakis, and Messer. Therefore, Storrs, Markle, Frantzekakis, and Messer are not available for citation against claim 15.

Beck describes a coiled handle attached to a cleaning tool. There is absolutely nothing in Fehrenbach and Beck suggesting the combination of a coiled handle and a brush head capable of supplying a constant stream of water and having a sponge or tufts along one surface and projections along another. For that reason, the references are not available for citation against new claim 15.

The combination of Fehrenbach and Beck is not possible. Fehrenbach requires water flow to the brush head so as to facilitate shampooing and massaging. The fixed length handle in Fehrenbach allowed for the cavity required to communicate water to the brush head. Beck neither

describes nor suggests a sealed cavity along the coiled member length so as to allow water flow to a porous brush head. The extensible, coiled construction of Beck precludes a waterproof seal along the movable joint disposed along the length of the handle. Furthermore, the coiled construction of Beck precludes the cavity, along the entire length of extended and retracted handle, required for the flow of water critical to the proper function of Fehrenbach. It would not have been obvious to one skilled in the art to combine the handle in Beck with the brush head in Fehrenbach, since Beck is not capable of confining and directing water flow. For that reason, the combination could not be obvious to one skilled in the art.

There is absolutely nothing in Borchers and Storrs, Markle, Frantzeskakis, Messers and Beck suggesting the combination of luffa and extensible handle. For that reason, the references are not available for citation against new claim 15.

The combination of Borchers and Beck is not possible. Borchers attaches a luffa to a fixed length handle via a conventional self-locking tie. The extensible nature of Beck could not accommodate the holes required to allow passage of the conventional self-locking tie described by Borchers since the tie would interfere with extension and retraction. There is nothing in the referenced patents that suggest how a luffa might be attached to an extensible handle. There is absolutely nothing in the referenced patents that suggest the combination of a luffa with an extensible handle. Therefore, the combination of luffa and extensible handle could not be obvious to one skilled in the art.

There is absolutely nothing in Borchers and the other references suggesting the combination of luffa and bristles. For that reason, the references are not available for citation against new claim 15.

For the reasons stated herein, it is respectfully submitted that the Section 103 rejections are misplaced, and reconsideration and withdrawal of the same are respectfully requested.